



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ७४]

बुधवार, डिसेंबर १४, २०१६/अग्रहायण २३, शके १९३८

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असाधारण क्रमांक १२४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Prohibition (Amendment) Bill, 2016 (L. A. Bill No. LV of 2016), introduced in the Maharashtra Legislative Assembly on the 14th December 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. LV OF 2016.

A BILL

further to amend the Maharashtra Prohibition Act.

XXV of
1949.

WHEREAS it is expedient further to amend the Maharashtra Prohibition Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Prohibition (Amendment) Act, 2016.

Short title
and
commence-
ment.

(2) It shall come into force in such areas and on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas of the State.

Amendment of section 2 of XXV of 1949. 2. In section 2 of the Maharashtra Prohibition Act (hereinafter referred to as “the principal Act”), after clause (17), the following clause shall be inserted, namely :— XXV of 1949.

“(17A) “*Gram Rakshak Dal*” means *Gram Rakshak Dal* established under section 134A;”.

Insertion of section 134A in XXV of 1949. 3. After section 134 of the principal Act, the following section shall be inserted, namely :—

Establishment of *Gram Rakshak Dal*. “134 A. (1) The Village *Panchayat* constituted under the Maharashtra Village *Panchayats* Act, by resolution, or an application signed by not less than 25 per cent. of the Women voters of the *Gram Sabha*, may request the Sub-Divisional Magistrate of the area, for convening a special *Gram Sabha*, for the purpose of establishment of *Gram Rakshak Dal*. III of 1959.

(2) (a) The Sub-Divisional Magistrate of the area on receipt of request under sub-section (1), shall call such special meeting of *Gram Sabha*.

(b) The form of application, the mode of submitting the application and manner of verification of authenticity of the applicants, under sub-section (1) shall be such as may be prescribed.

(c) The meeting of such *Gram Sabha* shall be conducted in the presence of the Tahsildar of the area.

(d) The *Gram Sabha* may recommend the persons to be appointed as members of *Gram Rakshak Dal*.

(e) The Sub-Divisional Magistrate shall on recommendation of *Gram Sabha* establish a *Gram Rakshak Dal*.

(f) The term of the members of such *Gram Rakshak Dal* shall be of two years.

(3) The *Gram Rakshak Dal* shall consist of as many members as there are members in a Village *Panchayat* but it shall not be more than eleven.

(4) The eligibility for the appointment as a member of the *Gram Rakshak Dal* shall be such as may be prescribed.

(5) The *Gram Rakshak Dal* shall have adequate representation of Women and persons belonging to Scheduled Castes and Scheduled Tribes.

(6) Every member of the *Gram Rakshak Dal* shall be bound to give immediate information at the nearest Police Station or to any other Officer or person authorised in this behalf of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to his knowledge.

(7) The duties and responsibilities of the members of *Gram Rakshak Dal* shall be such as may be prescribed.

4. In section 143 of the principal Act, in sub-section (2), after clause (w), the following clauses shall be inserted, namely :—

Amendment
of section
143 of XXV
of 1949.

“(x) prescribing the form of application, the mode of submitting the application and manner of verification of authenticity of the applicants under clause (b) of sub-section (2) of section 134A;

(y) prescribing the eligibility for the appointment as a member of the *Gram Rakshak Dal* under sub-section (4) of section 134A;

(z) prescribing the duties and responsibilities of the members of *Gram Rakshak Dal* under sub-section (7) of section 134A.”.

STATEMENT OF OBJECTS AND REASONS.

It is necessary as well as expedient to provide by law for peoples' participation in the enforcement of certain provisions of the Maharashtra Prohibition Act, (XXV of 1949).

2. To deal effectively, *inter alia*, with cases in respect of illegal distillation, storage, use and consumption of alcohol, it is proposed to provide for a "Gram Rakshak Dal", to be established by resolution passed by the Village Panchayat or by application made by 25 per cent. of the Women voters of the Gram Sabha, comprising a group of persons recommended by the Gram Sabha to assist Prohibition Officers or Police Officers or any persons authorised, by informing them about commission of any offences and intention or preparation to commit any offences under the Maharashtra Prohibition Act. It is also proposed to give adequate representation to the Women and persons belonging to Scheduled Castes and Scheduled Tribes in the Gram Rakshak Dal. It is, therefore, considered expedient to amend the Maharashtra Prohibition Act, suitably.

3. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 13th December, 2016.

CHANDRASHEKHAR BAWANKULE,

Minister for State Excise.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force and to appoint different dates for different areas of the State.

Clause 3—Under this clause, which seeks to insert new section 134A in the Maharashtra Prohibition Act,

(a) in sub-section (2), in clause (b), power is taken to the State Government to prescribe the form of application, the mode of submitting the application and manner of verification of authenticity of the applicants.

(b) in sub-section (4), power is taken to the State Government to prescribe eligibility for the appointment as member of the *Gram Rakshak Dal*.

(c) in sub-section (7), power is taken to the State Government to prescribe duties and responsibilities of the member of *Gram Rakshak Dal*.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

भाग आठ-१२४-२.

(एच १५९२—२)